

HOUSE BILL 50

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L2

2003 Regular Session
3r0629
CF 3r1009

By: **Delegate Elmore**

Introduced and read first time: January 20, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Somerset County - Clerk to the Board of County Commissioners**

3 FOR the purpose of consolidating and clarifying the provisions in the Somerset
4 County Code relating to the clerk to the Board of County Commissioners;
5 providing that the term of the clerk is 4 years and runs concurrently with the
6 term of office of the members of the Board of County Commissioners; and
7 generally relating to the clerk to the Board of County Commissioners of
8 Somerset County.

9 BY repealing

10 The Public Local Laws of Somerset County
11 Section 2-201 and 2-202
12 Article 20 - Public Local Laws of Maryland
13 (1994 Edition, as amended)

14 BY adding to

15 The Public Local Laws of Somerset County
16 Section 2-201
17 Article 20 - Public Local Laws of Maryland
18 (1994 Edition, as amended)

19 BY renumbering

20 The Public Local Laws of Somerset County
21 Section 2-203 and 2-204, respectively
22 to be Section 2-202 and 2-203, respectively
23 Article 20 - Public Local Laws of Maryland
24 (1994 Edition, as amended)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That Section(s) 2-201 and 2-202 of Article 20 - Somerset County of the
27 Code of Public Local Laws of Maryland be repealed.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article 20 - Somerset County**

4 2-201.

5 (A) THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT A CLERK ON
6 THE FIRST DAY THAT THE COUNTY COMMISSIONERS' TERM OF OFFICE BEGINS.

7 (B) THE TERM OF THE CLERK IS 4 YEARS AND SHALL RUN CONCURRENTLY
8 WITH THE TERM OF OFFICE OF THE COUNTY COMMISSIONERS.

9 (C) IF THE OFFICE OF THE CLERK BECOMES VACANT BECAUSE OF THE
10 DEATH, RESIGNATION, INCOMPETENCY, OR OTHER DISQUALIFICATION OF THE
11 CLERK FOR THE OFFICE, THE BOARD OF COUNTY COMMISSIONERS SHALL FILL THE
12 VACANCY FOR THE PERIOD OF THE UNEXPIRED TERM.

13 (D) THE CLERK SHALL RECEIVE AN ANNUAL SALARY AS SET BY THE BOARD
14 OF COUNTY COMMISSIONERS.

15 (E) BEFORE TAKING UP THE CLERK'S OFFICIAL DUTIES, THE CLERK SHALL
16 TAKE AND SUBSCRIBE TO THE FOLLOWING OATH OR AFFIRMATION BEFORE ANY
17 ONE OF THE COUNTY COMMISSIONERS, ANY ONE OF WHOM MAY ADMINISTER THE
18 OATH: "I, (NAME OF CLERK), DO SOLEMNLY SWEAR OR AFFIRM THAT, AS CLERK TO
19 THE BOARD OF COUNTY COMMISSIONERS, I WILL HONESTLY AND FAITHFULLY, TO
20 THE BEST OF MY SKILL AND JUDGMENT, EXECUTE THE DUTIES PERTAINING TO THE
21 OFFICE WHICH I AM ABOUT TO ASSUME, WITHOUT FAVOR, PARTIALITY, OR
22 PREJUDICE, SO HELP ME GOD."

23 (F) THE CLERK SHALL PERFORM ALL DUTIES REQUIRED OF THE CLERK BY
24 LAW OR WHICH MAY BE REQUIRED BY AN ORDER OF THE BOARD OF COUNTY
25 COMMISSIONERS.

26 (G) (1) THE CLERK SHALL CAUSE COMPLETE AND ACCURATE MINUTES OF
27 ALL TRANSACTIONS AND PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
28 TO BE MADE. THE CLERK SHALL CAUSE THE TRANSACTIONS, PROCEEDINGS, AND
29 ORDERS OF THE BOARD OF COUNTY COMMISSIONERS TO BE RECORDED IN SUITABLE
30 BOOKS FOR THAT PURPOSE.

31 (2) THE CLERK SHALL ENDORSE AND FILE ALL PAPERS PRESENTED TO
32 THE BOARD OF COUNTY COMMISSIONERS AND ACTED ON BY IT.

33 (3) THE CLERK SHALL KEEP AND CAREFULLY PRESERVE ALL BOOKS
34 AND PAPERS PERTAINING TO THE BOARD OF COUNTY COMMISSIONERS.

35 (4) (I) DURING REGULAR OFFICE HOURS EACH WEEKDAY, OTHER
36 THAN LEGAL HOLIDAYS, THE CLERK, AT THE REQUEST OF ANY CITIZEN OR
37 TAXPAYER OF THE COUNTY, SHALL SHOW THE BOOKS IN THE BOARD OF COUNTY

1 COMMISSIONERS' OFFICE TO THAT PERSON AND MAKE AND CERTIFY COPIES OR
2 EXTRACTS FROM THOSE BOOKS ON THE REQUEST OF THAT PERSON.

3 (II) THE CLERK MAY CHARGE AN APPROPRIATE FEE TO MAKE THE
4 COPIES.

5 (5) (I) THE CLERK SHALL GIVE BOND IN THE PENALTY OF \$5,000
6 PROPERLY CONDITIONED ON THE FAITHFUL PERFORMANCE OF THE CLERK'S
7 DUTIES.

8 (II) THE BOND SHALL BE SECURED BY A BONDING OR SURETY
9 COMPANY.

10 (III) THE PREMIUM ON THE BOND SHALL BE APPROVED AND PAID
11 BY THE BOARD OF COUNTY COMMISSIONERS.

12 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 2-203 and
13 2-204, respectively, of Article 20 - Somerset County of the Code of Public Local Laws
14 of Maryland be renumbered to be Section(s) 2-202 and 2-203, respectively.

15 SECTION 4. AND BE IT FURTHER ENACTED, That the clerk to the Board of
16 County Commissioners of Somerset County serving in office on the effective date of
17 this Act shall remain in that position through the full term of office of the members of
18 the Board of County Commissioners of Somerset County that began on the first
19 Tuesday in December 2002, and is eligible to be reappointed as clerk after the next
20 election of the Board in November 2006.

21 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 2003.